

REMARKS/ARGUMENTS

Claim 12 is now pending in this application. Claim 12 is an Independent Claim. Claim 12 has been amended. Claims 1-11, 13-17 and 27-32 have been cancelled. Claims 18-26 have been withdrawn.

Claim Rejections – 35 USC § 103

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Pate et al., United States Patent Number 6,754,605 (hereinafter: Pate). (Pending Office Action, Page 2). Applicant respectfully traverses the rejection.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (emphasis added) (MPEP § 2143). “If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious.” (emphasis added) *In re Fine*, 837 F. 2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988). Applicant respectfully submits that the claims rejected under this section include elements that have not been disclosed, taught or suggested by the reference cited by the Patent Office, and that it would not have been obvious to one of ordinary skill in the art at the time of the present invention to modify the reference to arrive at the claimed elements.

Independent Claim 12 of the present invention generally recites:

“communicating a location and hardware and software configuration information of said data storage device to said manufacturer via the RF tag **and a remote monitoring system utilizing an electronic data interchange (EDI), the remote monitoring system being outfitted with an RF reader**”

In the present invention, when placed into use by a customer, information about the data storage device may be communicated to a manufacturer via the RF tag ***and a***

remote monitoring system utilizing an electronic data interchange (EDI), the remote monitoring system being outfitted with an RF reader. (Present Application, Page 8, Paragraph 0021). In the present invention, the information communicated by the RF tag **and the remote monitoring system** may indicate to the manufacturer that installation of the newly put-into-use data storage device was successful. (Present Application, Page 8, Paragraph 0021). Further, said communicated information may also provide the hardware/software configuration or location of the put-into-use data storage device, which may make it easier for the manufacturer to service the device if servicing should become necessary. (Present Application, Page 8, Paragraph 0021). Nowhere in the cited reference are the above-referenced elements either disclosed, taught or suggested.

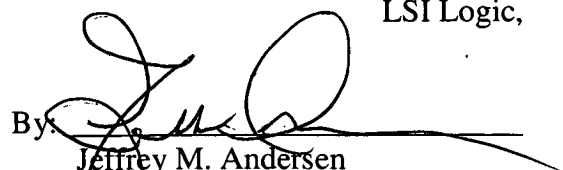
Based on the above rationale, the Patent Office has failed to make a *prima facie* case of obviousness against Independent Claim 12. Thus, Independent Claim 12 should be allowed over the prior art of record.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the pending claims is earnestly solicited.

Respectfully submitted on behalf of

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